

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

United States of America,

Plaintiff,

v.

Luis Miguel Gonzalez-Bustamante,

Defendant.

Case No. 11-30645

District Judge Marianne O. Battani

Magistrate Judge Laurie J. Michelson

**REPORT AND RECOMMENDATION REGARDING
BOND CONDITIONS**

Defendant Luis Miguel Gonzalez-Bustamante, who is charged by way of a criminal complaint with possession with intent to distribute a controlled substance, in violation of 21 U.S.C. § 841(a)(1) and § 841(b)(1)(A)(i), appeared for a detention hearing on December 9, 2011. At that time, the government and the defendant agreed that the defendant could be granted bond under the following conditions:

1. Defendant is placed into the custody of, and must reside at the bond address with, his father, Fernando Gonzalez.
2. Report as directed to Pretrial Services.
3. Bond of \$25,000.00, to be secured by real estate in this District, namely 1183 Wheelock Street, Detroit, Michigan, 48209.
4. Post with the Court the necessary Quit-Claim Deed for the above-referenced property.
5. Surrender passport, green card and any other travel documents to Pretrial Services by Monday, December 12, 2011, and do not obtain or apply for any other ones.

6. Travel restricted to the Eastern District of Michigan.
7. Submit to drug testing and/or drug treatment as directed by Pretrial Services.
8. Submit to GPS electronic monitoring.
9. Refrain from possessing any firearms.
10. Refrain from possessing or using any illegal substances.

As to Condition #3, Magistrate Judges in this District are not authorized to impose bonds secured by real property. Rather, such conditions may only be imposed by an Article III judge. *See* LCrR 46.1(b)(2) (“Unless approved in writing by a District Judge, property shall not be accepted as collateral for a bond”). Therefore, this Court must proceed by Report and Recommendation to the presiding judge, pursuant to 28 U.S.C. § 636(b)(1)(B).

Accordingly, the undersigned recommends that the District Court grant bond to the defendant under the above conditions. Because both parties have agreed to these conditions, bond may be set, and the defendant released, without regard to the usual 14-day period to file objections to a Report and Recommendation.

Dated: December 12, 2011

/s Laurie J. Michelson
LAURIE J. MICHELSON
UNITED STATES MAGISTRATE JUDGE